

# EXHIBIT D

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

No. 07 Civ. 8134 (DC)

v.

IVAN HOWARD, GEORGE ANDREWS, JAMES  
PARKER, KYLE WILLIAMS, ZEEV VICMAN  
and SMARTRADE LTD.,

Defendants.

**CLERK'S CERTIFICATE OF DEFAULT  
AGAINST DEFENDANTS IVAN HOWARD, GEORGE ANDREWS,  
JAMES PARKER, KYLE WILLIAMS, ZEEV VICMAN AND SMARTRADE LTD.**

I, J. Michael Mahon, Clerk of the United States District Court for the Southern District of New York, do hereby certify that a copy of the Summons and Complaint in this action, filed September 17, 2007, according to the proof of service, was served upon Defendants Ivan Howard, George Andrews, James Parker, Kyle Williams, Zeev Vicman and Smartrade Ltd. pursuant to the Order of the Honorable Denny Chin dated January 9, 2008 ("the January 9, 2008 Order").

In particular, on January 11, 2008, pursuant to the January 9, 2008 Order granting Philip Morris USA Inc.'s request for leave to serve process by e-mail, Philip Morris USA served Defendants by electronic mail with a copy of the Summons, Complaint and accompanying exhibits, Civil Coversheet, Rule 7.1 Statement of Philip Morris USA Inc., USPTO Notice of Trademark Action, and the January 9, 2008 Order. Philip Morris USA also served Defendants with copies of the following documents: the Notice of Reassignment of the case to the


Honorable Denny Chin, the Individual Rules of the Honorable Denny Chin, the SDNY Instructions for Filing an Electronic Case, the SDNY Procedures for Electronic Case Filing and the SDNY Guidelines for Electronic Case Filing.

I further certify that the docket entries indicate that Defendants Ivan Howard, George Andrews, James Parker, Kyle Williams, Zeev Vicman and Smartrade Ltd. have not filed an answer or otherwise moved with respect to the Complaint. The defaults by Defendants Ivan Howard, George Andrews, James Parker, Kyle Williams, Zeev Vicman and Smartrade Ltd. are hereby noted.

Dated: New York, New York

Aug 4, 2008

J. Michael Mahon  
Clerk of the Court

By:   
Deputy Clerk